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8 **UNITED STATES DISTRICT COURT**
9 EASTERN DISTRICT OF CALIFORNIA

10 ROBERT ORDONEZ,

11 Plaintiff,

12 v.

13 COMMISSIONER OF SOCIAL SECURITY,

14 Defendant.

15 Case No. 1:22-cv-00985-BAM

16 ORDER REQUIRING PLAINTIFF TO FILE
17 LONG FORM APPLICATION TO PROCEED
18 IN FORMA PAUPERIS

19 (Doc. 2)

20 TWENTY-ONE DAY DEADLINE

21 On August 8, 2022, Plaintiff Robert Ordonez (“Plaintiff”), through counsel, filed this
22 action seeking judicial review of a final decision of the Commissioner of the Social Security
23 Administration. (Doc. 1.) Plaintiff did not pay the filing fee and instead filed an application to
24 proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. 2). However, Plaintiff’s
25 application is insufficient for the Court to determine if Plaintiff is entitled to proceed without
26 prepayment of fees in this action.

27 Plaintiff reports receiving \$2,900.00 in Social Security backpay and that he has “\$22k in
28 a 401k . . . with [his] ex-wife, and a second 410k of \$42,000.” (Doc. 2 at 1.) It is unclear to the
Court whether Plaintiff continues to receive Social Security payments or if he has access to his
“401k” accounts. Further, Plaintiff’s monthly expenses are not identified. Plaintiff indicates that

1 his girlfriend pays for housing, utilities, and food. Although Plaintiff states that he owes child
2 support of about \$40,000, there is no identification of any monthly payment amount.

3 Accordingly, the Court will order Plaintiff to complete and file an Application to Proceed
4 in District Court Without Prepaying Fees or Costs (Long Form) – AO 239. If Plaintiff is
5 unwilling to complete and submit the long form application, Plaintiff must pay the filing fee in
6 full.

7 Based upon the foregoing, it is HEREBY ORDERED that:

- 8 1. The Clerk of the Court is directed to forward an Application to Proceed in District
9 Court Without Prepaying Fees or Costs (Long Form) – AO 239 to Plaintiff;
- 10 2. Within **twenty-one (21) days** of the date of this order, Plaintiff shall either (1)
11 pay the \$402.00 filing fee for this action, or (2) complete and file the enclosed
12 Application to Proceed in District Court Without Prepaying Fees or Costs (Long
13 Form) – AO 239; and
- 14 3. If Plaintiff fails to comply with this order, this action shall be dismissed.

15 IT IS SO ORDERED.
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17 Dated: October 17, 2022

/s/ *Barbara A. McAuliffe*

18 UNITED STATES MAGISTRATE JUDGE

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